

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**NANCY MARTIN and,
MARY BETH BRACKIN**

Plaintiffs,

V.

**CITY OF DOTHAN and
JUDGE ROSE EVANS-GORDON,**

Defendants.

CIVIL ACTION NO.
1:05 CV-1172-F

DEFENDANTS' NOTICE OF EVIDENTIARY FILING IN
SUPPORT OF DEFENDANTS' REPLY BRIEF

Defendants, The City of Dothan and Judge Rose Evans-Gordon hereby submit the following evidentiary submissions in support of their Reply Brief.

1. Affidavit II of Judge Rose Evans-Gordon and Exhibit A thereto.

Respectfully submitted,

/s/Carol Sue Nelson

Carol Sue Nelson

Attorney for Defendants

OF COUNSEL:

MAYNARD COOPER & GALE, P.C.

1901 Sixth Avenue North

2400 AmSouth/Harbert Plaza

Birmingham, Alabama 35203

(205) 254-1000

(205) 254-1999 (Fax)

CERTIFICATE OF SERVICE

I hereby certify that I have on December 20, 2007 electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Ishmael Jaffree, Esq.

951 Government Street, Suite 415

Mobile, Alabama 36604

(251)694-9090

/s/Carol Sue Nelson

Of Counsel

STATE OF ALABAMA)
)
COUNTY OF HOUSTON)

AFFIDAVIT II OF ROSE EVANS-GORDON

1. My name is Rose Evans-Gordon. I am over the age of nineteen years. This Affidavit is based on my personal knowledge and my review of records kept in the normal course of business by the City of Dothan.

2. I am employed by the City of Dothan as Municipal Court Judge. In addition to presiding over Municipal Court for the City of Dothan, I am Department Head of the Judicial Department of the City of Dothan, which includes the Court Administrator, an Administrative Assistant, a group of Magistrates, and clerk typists.

3. As a Department Head, I am also an Appointing Authority within the meaning of the Dothan Civil Service Act.

4. As a Department Head, I am ultimately responsible for implementing the City of Dothan Personnel Rules and Regulations, including supervising, evaluating, disciplining and discharging employees in the Judicial Department.

5. Municipal Court was in session the week of April 26, 2004. Attached as Exhibit A hereto is a docket sheet from April 26, 2004, reflecting that Court was in session. Last names have been deleted for privacy reasons.

6. I have reviewed Exhibit S to Plaintiffs' Response Brief which is a UTC Transmittal Form signed by LaVera McClain dated April 15, 2003. The UTC Form merely reflects that McClain recorded a ticket as void as it was turned in to her by the police officer. Because the officer had voided the ticket, it was recorded and accounted for, but was not assigned a case number and not entered into the system. Unlike Mary Beth Brackin, McClain did not strike through, alter and void a ticket entry on the UTC Transmittal Form for a ticket that had been issued, sworn to and assigned a case number. McClain's handling of this transmittal was not inappropriate and did not warrant an investigation or discipline.

I have read the foregoing affidavit and I swear and affirm under penalty of perjury that it is true to the best of my knowledge and belief.


JUDGE ROSE EVANS-GORDON

STATE OF ALABAMA)
)
COUNTY OF HOUSTON)

Sworn to and subscribed before me this 19th day of December, 2007.

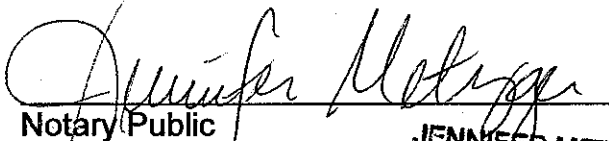

Notary Public JENNIFER METZGER
Notary Public, AL State at Large
My commission expires: ~~My Comm. Expires Aug. 23, 2008~~

EXHIBIT A

COURT DATE: 4/26/04 PRESIDING JUDGE: JRG EVANS-GORDON, ROSE

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DEFAULT DOCKET

Original

DEFENDANT NAME	CT. CASE NO.	PD. CASE NO.	CHARGE
PA KATHY SUE 01:00PM	INMC-03-0001717	PD: 0103002820	PROSTITUTION (ORD-QJ)
PA 01:00PM	MC12-03-0002440	PD Case # Not Found	POSS DRUG PARAPH
PA Y, WILLIE ALLEN 01:00PM Ticket#: M 5547769	TR21-03-0015972	PD Case # Not Found	DRIVING W/LIC REVOKD
BROWN, ELDON GENE AA3 01:00PM	MC11-04-0001000	PD Case # Not Found	PUBLIC INTOXICATION
APD BRYANT LEE 01:00PM	MC12-04-0001004	PD Case # Not Found	POSS DRUG PARAPH
PA 01:00PM	MC12-04-0001005	PD Case # Not Found	POSS MARIJUANA 2ND
APM 01:00PM	INTR-03-0006602	PD: 0103005242 TB	DRIVING WHILE LIC-QJ
PBY 01:00PM Ticket#: M 5533859	TR19-03-0015043	PD Case # Not Found	SPEEDING 25/MORE
PA 01:00PM Ticket#: M 7355804	TR21-03-0013822	PD Case # Not Found	DRIV W/LIC S/R/C
PA 01:00PM Ticket#: M 5546858	INTR-03-0006523	PD: 0103003985	DRIVING WHILE LIC-QJ
PA 01:00PM Ticket#: M 4487484	INTR-03-0006603	PD: 0103005242 TB	RECKLESS DRIVING -QJ
PA 01:00PM Ticket#: M 5533858	TR21-03-0014034	PD Case # Not Found	DRIVING W/LIC REVOKD
PA 01:00PM Ticket#: M 5545459	TR19-04-0004826	PD Case # Not Found	PROOF OF INSURANCE
PA 01:00PM Ticket#: M 7363836	TR21-04-0004825	PD Case # Not Found	DRIVING W/LIC REVOKD
PA 01:00PM Ticket#: M 7363835	MC11-03-0002694	PD Case # Not Found	PUBLIC INTOXICATION
AA3 01:00PM Ticket#: M 7363835	MC11-04-0001001	PD Case # Not Found	PUBLIC INTOXICATION
AA1 01:00PM Ticket#: M 7363835	MC12-04-0000999	PD Case # Not Found	ILL POSS PRESCR DRUG
PA 01:00PM Ticket#: M 7363835	INMC-00-0000963	PD: 0101000851	MENACING